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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/890,904	09/28/2001	Masanobu Fujita	01-467	01-467 9831	
759	90 05/24/2005		EXAM	INER	
Bachman & Lapointe			KHATRI, ANIL		
Suite 1201			[		
900 Chapel Street			ART UNIT	PAPER NUMBER	
New Haven, CT 06510-2802			2193		
			DATE MAILED: 05/24/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Annilostian Na	Amaticanti				
## Decided Numbers  ## Decided For Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  *# Extensions of times may be evaluable under the provisione of 37 CFR 1.136(a). In no event, however, may a reply be timely filled.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## Extensions of times may be evaluable under the provisione of 37 CFR 1.136(a). In no event, however, may a reply be timely filled.  ## AND period for reply is specified above, the maintainum stability private within the stablatory inclinate in the provision of 37 CFR 1.136(a). In the event, however, may a reply be timely filled.  ## AND period for reply is specified above, the maintainum stability private within the time the private of the stablatory private in the provision of the stablatory private in the private of the stability private in the private of the stability private in the private of the stability of the stablatory inclinate in the stablatory inclinate in the stablatory inclinate in the stablatory inclinate inclination in the stablatory inclinati		Application No.	Applicant(s)				
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1) Responsive to communication(s) filed on 28 December 2004.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-18 is/are pending in the application.  4a) Of the above claim(s)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5/18/05.  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) C) Other:	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da	ate				

Application/Control Number: 09/890,904

Art Unit: 2193

Page 2

## Response to Amendment

- 1. This action is in response to request for reconsideration filed on 12/28/04.
- 2. As per applicant's request claims 1-4, 7, 9-15, 17 and 18 have been considered but they are not persuasive.
- 3. Claims 5, 6, 8 and 16 are object to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 1-4, 7, 9-15, 17 and 18 stand rejected under 35 U.S.C. 102(e) as being unpatentable over *Harding et al* USPN 6,524, 230.

Applicant argues,

- I) "software controlled machine comprises sensor means, an operation control circuit".
- II) "Renewal control program may involve an analytical program for analyzing operating data read out from an information card".
- III) "To convert into electric signals and thereby certainly switches operation".
- IV) "Renewal or updating the software in accordance with the renewal control program".

  Response to applicant's arguments,
- I) It as noted that cited reference fairly suggest one or more sensors for monitoring one or more operating characteristics (column 24 lines 51-63) which helps in operation control. Thus limitations are met by the reference.

Application/Control Number: 09/890,904

Art Unit: 2193

II) It was also noted that cited reference teaches renewal process by using controller, which provides monitoring and diagnostic mechanism and then renew control program when it analyzed with intervals and provide status. Thus limitations are met by the reference.

- III) It was also noted that reference convert electric signals (see figures 3-10), therefore limitations are met by the reference.
- IV) Reference also suggests updating the software accordance with renewal control program (column 32, lines 30-34). Thus limitations are met by the reference.

## Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2193

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ANIL KHATRI
PRIMARY EXAMINER

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